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TOWNSEND and TOWNSEND and CREW LLP

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PATENT
Attorney Docket No. 026595-005000US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No. 2784
Michael J. Michelson	Examiner: Olabode Akintola
Application No.: 10/806,484	Technology Center/Art Unit: 3691
Filed: March 22, 2004	APPELLANTS' BRIEF UNDER 37 CFR §41.37
For: EQUIPMENT TO FACILITATE MONEY TRANSFERS INTO BANK ACCOUNTS	

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Further to the Notice of Appeal mailed on December 15, 2009 for the above-referenced application, Appellants submit this Brief on Appeal.

1. REAL PARTY IN INTEREST

The Western Union Company, of Englewood, Colorado, is the real party in interest as the assignee of the above-identified application.

2. RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known that will directly affect, are directly affected by, or have a bearing on the Board decision in this appeal.

3. STATUS OF CLAIMS

Claims 1-17, 21-24 and 27-32 are currently pending in the application. All pending claims stand finally rejected pursuant to an Advisory Action mailed December 1, 2009 ("Advisory Action") and a Final Office Action mailed September 15, 2009 (the "Final Office Action"). A copy of the claims is attached in the Claims Appendix.

Claims 1-17 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,012,048 ("Gustin") in view of U.S. Patent Application Publication No. 2001/0034682 ("Knight"). This rejection is the subject of the appeal.

Claims 21, 23, 24, 27, 29, and 30 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gustin in view of U.S. Patent Application Publication No. 2002/0016769 ("Barbara") and further in view of U.S. Patent Application Publication No. 2001/0051923 ("Kosuda"). This rejection is the subject of the appeal.

Claims 22 and 28 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gustin in view of Barbara, Kosuda and further in view of U.S. Patent Application Publication No. 2005/0097050 ("Orcutt"). This rejection is the subject of the appeal.

Claim 31 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gustin in view of Knight and further in view of U.S. Patent Application Publication No. 2009/0070230 ("Silverstein"). This rejection is the subject of the appeal.

Claim 32 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gustin in view of Barbara in view of Kosuda and further in view of Silverstein. This rejection is the subject of the appeal.

Claims 18-20, 25, and 26 were previously canceled.

4. STATUS OF AMENDMENTS

An Amendment was filed on November 16, 2009, in response to a final Office Action mailed September 15, 2009. An Advisory Action mailed December 1, 2009 acknowledges that the amendments were entered. No amendments have been entered subsequent to the Advisory Action. This Appeal Brief is filed in response to the Advisory Action.

5. SUMMARY OF CLAIMED SUBJECT MATTER

In the following summary, the Appellants have provided exemplary references to sections of the specification and drawings supporting the subject matter defined in the claims as required by 37 C.F.R. § 41.37. The specification and drawings also include additional support for other exemplary embodiments encompassed by the claimed subject matter. Thus, it should be appreciated that the references are intended to be illustrative in nature only.

The embodiment of claim 1 relates to a computerized method for transferring money. *Application*, p. 1, ll. 26-28. The method includes receiving at a host computer system from a point of sale device transactional information that includes information on a bank account that is to receive the money, wherein the money is provided in cash at the point of sale device. *Id.*, at p. 1, ll. 28-30; p. 4, ll. 27-29. The method includes storing the transaction information at the host computer system. *Id.*, at p. 1, ll. 30-31. The method includes transmitting at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in different countries. *Id.*, at p. 1, l. 31 – p. 2, l. 2. The method also includes determining with the intermediary computer system which one of the banking networks is associated with the bank account that is to receive the money. *Id.*, at p. 2, ll. 2-4. The method further includes transmitting a request from the intermediary computer network to a local banking network information on the bank account that is to receive the money and an amount of money to deposit. *Id.*, at p. 2, ll. 4-6.

The embodiment of claim 5 relates to a computerized method for transferring money. *Application*, p. 1, ll. 26-28. The method includes receiving at a host computer system from a point of sale device transactional information that includes information on a bank account that is to receive the money. *Id.*, at p. 1, ll. 28-30. The money is provided in cash at the point of sale device. *Id.*, at p. 4, ll. 27-29. The method includes storing the transaction information at the host computer system. *Id.*, at p. 1, ll. 30-31. The method includes transmitting at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in a certain country. *Id.*, at p. 1, l. 31 – p. 2, l. 2. The method further includes transmitting a request from the intermediary computer network to a local banking network information on the bank account that is to receive the money and an amount of money to deposit. *Id.*, at p. 2, ll. 4-6.

The embodiment of claim 14 relates to a computerized system for processing a money transfer transaction into a bank account. *Application*, p. 1, ll. 26-28. The system includes a host computer system that is in communication with a plurality of point of sale devices. *Id.*, at p. 6, ll. 7-13. The host computer system has a processor and a memory. *Id.*, at p. 3, ll. 24, 25. The host computer system is configured to receive from a point of sale device transactional information that includes information on a bank account that is to receive the money. *Id.*, at p. 2, ll. 28-32. The money is provided in cash at the point of sale device. *Id.*, at p. 4, ll. 27-29. The host computer is also configured to store the transaction information (*id.*, at p. 1, ll. 30-31), and to transmit at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in a certain country in order to deposit the information in the bank account. *Id.*, at p. 1, l. 31 – p. 2, l. 2.

The embodiment of claim 21 relates to a method for processing a money transfer transaction where money is transferred into a recipient's bank account. *Application*, p. 1, ll. 26-28. The method includes entering into a point of sale device information on a bank account number of a bank account that is to receive the money, a bank name of a bank that is to receive the money and a location of the bank. *Id.*, at p. 2, ll. 28-32. The method includes transmitting the entered information to a host computer system. *Id.* The method also includes incorporating

the account number, bank name and location into a transaction identifier. *Id.*, at p. 2, ll. 31, 32. The method further includes transmitting a customer identifier to the customer that is associated with the transaction identifier. *Id.*, at p. 3, ll. 2, 3. The transaction identifier comprises an eighteen digit number, with the first three digits corresponding to the bank name, the second three digits corresponding to the bank location, the next eleven digits corresponding to the account number, and the last digit corresponding to a check digit. *Id.*, at p. 3, ll. 13-16.

The embodiment of claim 27 relates to a computerized system for processing a money transfer transaction into a bank account. *Application*, p. 1, ll. 26-28. The system includes a host computer system that is in communication with a plurality of point of sale devices, wherein the host computer system has a processor and a memory. *Id.*, at p. 3, ll. 24, 25; p. 6, ll. 7-13. The host computer system is configured to receive information on a bank account number of a bank account that is to receive the money, a bank name of a bank that is to receive the money and a location of the bank, and to incorporate the account number, bank name and location into a transaction identifier. *Id.*, at p. 2, ll. 28-32. The transaction identifier comprises an eighteen digit number, with the first three digits corresponding to the bank name, the second three digits corresponding to the bank location, the next eleven digits corresponding to the account number, and the last digit corresponding to a check digit. *Id.*, at p. 3, ll. 13-16.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Issue 1: Whether claims 1-17 were properly rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin, in view of Knight.

Issue 2: Whether claims 21, 23, 24, 27, 29, and 30 were properly rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Barbara and further in view of Kosuda.

Issue 3: Whether claims 22 and 28 were properly rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Barbara, Kosuda, and further in view of Orcutt.

Issue 4: Whether claim 31 was properly rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Knight, and further in view of Silverstein.

Issue 5: Whether claim 32 was properly rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Barbara, in view of Kosuda, and further in view of Silverstein

7. ARGUMENT

Issue 1: Whether claims 1-17 were properly rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin, in view of Knight.

In general, independent claims 1, 5, 11, and 14 recite methods and systems for conducting a money transfer for funds received in the form of cash at a point-of-sale device. An intermediary system that is capable of interacting with multiple different banking networks receives transaction information related to the money transfer. This intermediary computer system determines which banking network is associated with the bank account that is to receive the funds from the money transfer. The intermediary computer system then transmits a request to the appropriate banking network with transaction information. Such an invention is not taught, suggested, or otherwise proved obvious by the cited references of Gustin and Knight, considered individually or in combination.

Specifically, claim 1 recites: "determining with the intermediary computer system which one of the banking networks is associated with the bank account that is to receive the money . . . ." Independent claims 5, 11, and 14 also discuss the interaction of an intermediary computer system with various banking networks. In reference to claim 1, the Office Action acknowledges that "Gustin does not explicitly teach" this recitation. *Final Office Action*, p. 3. In order to cure this deficiency, the Office Action introduces the Knight reference. The Office Action cites to eight paragraphs of Knight as allegedly teaching, suggesting, or otherwise proving obvious this recitation of claim 1.

Knight, generally, is directed to "systems and methods for conducting international banking operations." *Knight*, ¶2. More specifically, Knight aims to provide banks that do not have an international presence with the ability to perform various international banking services. *See, id.*, at ¶¶5-8.

In citing to Knight, the Final Office Action cites to paragraph 10 for stating:

> The primary interface into the funds transfer section in the client bank environment is to the funds transfer section of the provider bank environment. *The funds transfer section of the provider bank is coupled to the systems which constitute the international banking infrastructure* that is able to process banking transactions on a global basis for the customers of the client bank.

Knight, ¶10, emphasis added. While the provider bank is indeed disclosed as being coupled to systems of the international banking infrastructure, conspicuously absent is the use 1) of an intermediary computer system and 2) any determination of which banking network is associated with the bank account set to receive money.

Figure 1 sheds no light on how the Examiner is interpreting paragraph 24 of Knight as teaching, suggesting, or otherwise proving obvious a determination, using an intermediary computer system, of which banking network is associated with the receiving bank account. Rather, Figure 1 clearly shows that the client bank is connected to only the provider bank, with the provider bank conducting various different *forms* of transactions. *Id.*, at Fig. 1; ¶24.

Paragraph 34 of Knight discusses that:

> [T]he processing section 210 formats the payment instruction in accordance with the particular clearing system 220 that is going to be used to transfer the payment to the German bank. For example, *the German bank might only be a member of the German RTGS system and the processing section 210 would format the payment for transmission to this clearing system*. Alternatively, *the German bank of the supplier might be a member of the German MLNS clearing system which requires a different formatting of the payment message*.

Knight, ¶34, emphasis added. Again here, *no determination between various different banking networks is made.* Rather, only altering the formatting of the payment instructions to comply with various networks is discussed. The Examiner's argument appears to rely on these transactions with the different German banking system. *Final Office Action*, p. 12. However, paragraph 34 of Knight does not disclose any *determination* occurring between the different systems, or an intermediary system being used. Rather, the Final Office Action appears to only infer that such a determination of which banking system to use is made.

This lack of a determination is further evident in the example provided in paragraph 35 of Knight: "[T]he system depicted in FIG. 3 can be used for a foreign country to a

foreign country payment. Once one or more payment transactions have been *received by client bank* 100, *they are formatted* into a multiple transaction format and *transmitted to provider bank* 120 in file 310." *Id.*, at ¶35, emphasis added. *At no point is 1) the use of an intermediary system or 2) a determination of which banking network is associated with the account receiving the funds.*

For at least these reasons, independent claims 1, 5, 11, and 14 are not taught, suggested, or otherwise proved obvious by the cited references of Gustin and Knight, considered individually or in combination. Therefore, *prima facie* cases of obviousness were not properly established. Accordingly, Applicant respectfully requests reversal of the §103 rejections of claims 1, 5, and 11. Further claims 2-4, 6-10, 12, 13, and 15-17 depend, either directly or indirectly, from claims 1, 5, 11 and 14. At least by virtue of their dependence on non-obvious base claims, these claims are likewise non-obvious. Applicant respectfully also requests reversal of the §103 rejections of claims 2-4, 6-10, 12, 13, and 15-17.

Issue 2: Whether claims 21, 23, 24, 27, 29, and 30 were properly rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Barbara and further in view of Kosuda.

Regarding independent claims 21 and 27, the Examiner stated that the creating of a transaction number from a bank name, bank location, account number, and incorporating a check digit is obvious. In the Final Office Action, the Examiner makes reference to two sources allegedly proving the recitations of the claims obvious: Kosuda, and International Bank Account numbers. *Final Office Action*, p. 12.

Kosuda does make reference to various codes and numbers that may be used to identify an account:

> "bank code" is a code for specifying a bank name (a name of a financial institution), and this is a number of a plurality of digits. A "branch code" is a code for specifying a branch of the bank, and this is a number of a plurality of digits. An "account number" is a number for specifying the master account, and this is a number of a plurality of digits. An "optional field for each bank" is a field in which a financial institution can set optional information. A "spare field" is a field secured for spare. A "validity code" is a code showing validity of a transaction in the master

> account. The account information JM2 also consists of the same kind of information as that of the master account information JM1.

Kosuda, ¶50. Meanwhile, an international bank account number (IBAN) consists of a two character country code, followed by two check digits, then up to 30 characters for identifying the bank account, with the number of characters for the bank account being standardized by individual country. *See*, *Wikipedia*, "International Bank Account Number," last visited Feb. 11, 2010.

The general disclosure of Kosuda, in combination with the IBAN does not teach, suggest, or otherwise prove obvious the use of an "eighteen digit number, with the first three digits corresponding to the bank name, the second three digits corresponding to the bank location, the next eleven digits corresponding to the account number, and the last digit corresponding to a check digit," as recited in claim 27. Rather, the IBAN uses *two* characters as a country code, *two* check digits, *and then varies the total number of bank account characters depending on the country where the account resides*. The generalized recitations of Kosuda do nothing to remedy these distinct differences of the identifiers of the claims from an IBAN number. Rather, Kosuda generally recites the use of a 1) bank code, 2) branch code, 3) account number, 4) an optional field (for optional information), 5) a spare field and 6) a validity code. *Kosuda*, ¶50. Again here, the fixed length of the transaction identifier is not described, nor is having three digits corresponding to a bank name followed by three numbers being dedicated to the bank's location, nor having the final digit be a check digit.

For at least these reasons, independent claims 21 and 27 are not taught, suggested, or otherwise proved obvious by the cited references, considered individually or in combination. Therefore, *prima facie* cases of obviousness were not properly established. Accordingly, Applicant respectfully requests reversal of the §103 rejections of claims 21 and 27. Further claims 23, 24, 29, and 30 depend, either directly or indirectly, from claims 21 and 27. At least by virtue of their dependence on non-obvious base claims, these claims are likewise non-obvious. Applicant respectfully requests reversal of the §103 rejections of claims 23, 24, 29, and 30.

Issue 3: Whether claims 22 and 28 were properly rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Barbara, Kosuda, and further in view of Orcutt.

Claims 22 and 28 depend from independent claims 21 and 27, respectively. At least by virtue of their dependence on non-obvious base claims, these claims are likewise non-obvious. Accordingly, Applicant respectfully requests reversal of the §103 rejections of claims 21 and 27.

Issue 4: Whether claim 31 was properly rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Knight, and further in view of Silverstein.

Claim 31 depends from independent claim 14. At least by virtue of its dependence on a non-obvious base claim, claim 31 is likewise non-obvious. Accordingly, Applicant respectfully requests reversal of the §103 rejection of claim 31.

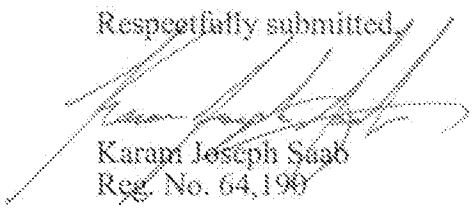
Issue 5: Whether claim 32 was properly rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Barbara, in view of Kosuda, and further in view of Silverstein.

Claim 32 depends from independent claim 25. At least by virtue of its dependence on a non-obvious base claim, claim 32 is likewise non-obvious. Accordingly, Applicant respectfully requests reversal of the §103 rejection of claim 32.

8. CONCLUSION

For these reasons, it is respectfully submitted that the rejection should be reversed.

Respectfully submitted,



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9. CLAIMS APPENDIX

1. (Original) A computerized method for transferring money, the method comprising:

receiving at a host computer system from a point of sale device transactional information that includes information on a bank account that is to receive the money, wherein the money is provided in cash at the point of sale device;

storing the transaction information at the host computer system;

transmitting at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in different countries;

determining with the intermediary computer system which one of the banking networks is associated with the bank account that is to receive the money; and

transmitting a request from the intermediary computer network to a local banking network information on the bank account that is to receive the money and an amount of money to deposit.

2. (Original) A method as in claim 1, further comprising crediting the bank account with the amount of money.

3. (Previously Presented) A method as in claim 1, wherein the intermediary computer system comprises an international bank computer system having regional banks, wherein the request to deposit the money passes from one of the regional banks and into the local banking network, and wherein a transaction identifier incorporating an account number of the bank account that is to receive the money is indicative of the local banking network.

4. (Original) A method as in claim 1, wherein the transactional information is transmitted to the intermediary computer system in real time or in batch mode.

5. (Original) A computerized method for transferring money, the method comprising:

receiving at a host computer system from a point of sale device transactional information that includes information on a bank account that is to receive the money, wherein the money is provided in cash at the point of sale device;

storing the transaction information at the host computer system;

transmitting at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in a certain country; and

transmitting a request from the intermediary computer network to a local banking network information on the bank account that is to receive the money and an amount of money to deposit.

6. (Original) A method as in claim 5, further comprising crediting the bank account with the amount of money.

7. (Original) A method as in claim 5, wherein the intermediary computer system comprises a regional bank computer system, and wherein the request to deposit the money passes from the regional bank computer system and into the local banking network.

8. (Original) A method as in claim 5, wherein the intermediary computer system comprises a regional banking association computer system, and wherein the request to deposit the money passes from the regional banking association computer system and into the local banking network.

9. (Original) A method as in claim 5, wherein the transactional information is transmitted to the intermediary computer system in real time or in batch mode.

10. (Original) A method as in claim 5, wherein the transaction information that is sent to the intermediary computer system comprises an ACH transaction.

11. (Original) A computerized system for processing a money transfer transaction into a bank account, the system comprising:

a host computer system that is in communication with a plurality of point of sale devices, wherein the host computer system has a processor and a memory, and wherein the host computer system is configured to receive from a point of sale device transactional information that includes information on a bank account that is to receive the money, wherein the money is provided in cash at the point of sale device, to store the transaction information, and to transmit at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in different countries in order to deposit the information in the bank account.

12. (Original) A system as in claim 11, wherein the intermediary computer system is configured to determine which one of the banking networks is associated with the bank account that is to receive the money, and to transmit a request from the intermediary computer network to a local banking network information on the bank account that is to receive the money and an amount of money to deposit.

13. (Original) A method as in claim 11, wherein the intermediary computer system comprises an international bank computer system having regional banks, and wherein the request to deposit the money passes from one of the regional banks and into the local banking network.

14. (Original) A computerized system for processing a money transfer transaction into a bank account, the system comprising:

a host computer system that is in communication with a plurality of point of sale devices, wherein the host computer system has a processor and a memory, and wherein the host computer system is configured to receive from a point of sale device transactional information that includes information on a bank account that is to receive the money, wherein the money is provided in cash at the point of sale device, to store the transaction information, and to transmit at least some of the transaction information to an intermediary computer system that is

configured to interact with a plurality of banking networks in a certain country in order to deposit the information in the bank account.

15. (Original) A system as in claim 14, wherein the intermediary computer system comprises a regional bank computer system, and wherein the request to deposit the money passes from the regional bank computer system and into the local banking network.

16. (Original) A system as in claim 14, wherein the intermediary computer system comprises a regional banking association computer system, and wherein the request to deposit the money passes from the regional banking association computer system and into the local banking network.

17. (Original) A system as in claim 14, wherein the host computer system is configured to transmit the transaction information to the intermediary computer system as an ACH transaction.

18. – 20. (Canceled)

21. (Previously presented) A method for processing a money transfer transaction where money is transferred into a recipient's bank account, the method comprising:

entering into a point of sale device information on a bank account number of a bank account that is to receive the money, a bank name of a bank that is to receive the money and a location of the bank;

transmitting the entered information to a host computer system;

incorporating the account number, bank name and location into a transaction identifier;

transmitting a customer identifier to the customer that is associated with the transaction identifier;

wherein the transaction identifier comprises an eighteen digit number, with the first three digits corresponding to the bank name, the second three digits corresponding to the bank location, the next eleven digits corresponding to the account number, and the last digit corresponding to a check digit.

22. (Original) A method as in claim 21, further comprising adding zeros in front of the account number if less than eleven digits.

23. (Original) A method as in claim 21, further comprising performing a look up to determine the first three digits based on the bank name.

24. (Original) A method as in claim 21, further comprising including the check digit based on the bank name, location and account number.

25. (Canceled)

26. (Canceled)

27. (Previously presented) A computerized system for processing a money transfer transaction into a bank account, the system comprising:

a host computer system that is in communication with a plurality of point of sale devices, wherein the host computer system has a processor and a memory, and wherein the host computer system is configured to receive information on a bank account number of a bank account that is to receive the money, a bank name of a bank that is to receive the money and a location of the bank, and to incorporate the account number, bank name and location into a transaction identifier;

wherein the transaction identifier comprises an eighteen digit number, with the first three digits corresponding to the bank name, the second three digits corresponding to the bank location, the next eleven digits corresponding to the account number, and the last digit corresponding to a check digit.

28. (Original) A system as in claim 27, wherein the host computer system is further configured to add zeros in front of the account number if less than eleven digits.

29. (Original) A system as in claim 27, wherein the point of sale device is further configured to perform a look up to determine the first three digits based on the bank name.

30. (Original) A system as in claim 27, wherein the host computer system is further configured to include the check digit based on the bank name, location and account number.

31. (Previously Presented) The computerized system for processing a money transfer transaction into a bank account of claim 14, wherein the host computer system is configured to return to one of the point of sale devices a list of prior transaction of the customer and receive a selection from among the prior transactions.

32. (Previously Presented) The computerized system for processing a money transfer transaction into a bank account of claim 25, wherein the host computer system is configured to return to one of the point of sale devices a list of prior transaction of the customer and receive a selection from among the prior transactions.

10. EVIDENCE APPENDIX

No additional evidence is provided.

11. RELATED PROCEEDINGS APPENDIX

No additional proceedings are in process.